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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,387	10/29/2003	Emmanuel Romero	0507-1060	6813

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EXAMINER

PELHAM, JOSEPH-MOORE

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/695,387	<b>Applicant(s)</b> ROMERO, EMMANUEL	
	<b>Examiner</b> Joseph M Pelham	<b>Art Unit</b> 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on amdmf filed 12/22/04.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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The Examiner acknowledges Applicant's submission of the amendment filed 12/22/04. Claims 14-30 are now pending. An updated search has found new grounds of rejection which are applied below. The Examiner sincerely regrets any inconvenience consequent to his late discovery of the newly cited patents.

### ***Claim Rejections - 35 USC § 112***

Claims 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites "the hooking means," and claim 21 "the support means," neither of which has antecedent basis in the claim from which they depend.

An equivalent rejection was made in the previous Office action, where the subject claims were formerly numbered 6-8.

### ***Claim Rejections - 35 USC § 102***

Claims 14, 15, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. 4485801 (US'801).

Referring to Figs. 1-3, and col. 2, lines 7-32, US'801 discloses a cooking assembly with a bath 1, a peripheral trough 6, and a trough drain 8; exterior heating means are inherently disclosed since the device is a "pan" intended for use with conventional pan heating means.

### ***Claim Rejections - 35 USC § 103***

Claim 16-21 and 24-30 is rejected under 35 U.S.C. 103(a) as being unpatentable over US'901 in view of U.S. Pat. Appl. 2004/0094532 (US'532).

The claims differ substantively from US'801 only in calling for a removable support frame with cooking basket hooking means, a peripheral skirt engaging the inner wall of the trough, strips on inner periphery of the support frame, a removable transverse strip, and a bath wall thicker at its bottom portion than its side.

The Examiner notes that US'801 does disclose a cooking basket 15 and lid (Fig. 2). Moreover, a bath wall thicker at its bottom portion than its side does not patentably distinguish the claimed invention from the prior art of record, since various conventional adjuncts result in a thicker bottom: perhaps most common is a heat distribution plate to enhance uniformity of heating, ordinarily made of copper or aluminum alloys.

Referring to Figs. 4A-C and 6B, US'532 discloses a removable support frame 115 with cooking vessel hooking means to support vessels 105, 110, a peripheral flange resting on the top of a cooking bath, strips on inner periphery of the support frame, a removable transverse strip 125. While US'532 does not explicitly disclose its peripheral flange extending to a skirt which engages the inner wall of the trough, such would have been an obvious modification when adapting the support of US'532 to the cooking bath

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of US'801, as the flange of the basket depicted in Fig. 1 of US'801 is extended, to avoid obstructing the trough opening.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over US'901 in view of U.S. Pat. 5174273 (US'273).

The claim differs from US'801 only in calling for a bath drain and filter. However, referring to Fig. 1, and col. 4, lines 3-7, US'273 discloses an analogous cooking assembly with a bath drain and filter 19. It would have been obvious to adapt the drain and filter of US'273 to the cooking bath of US'801 to accommodate a larger bath size required by the need of larger food quantities, and to avoid blocking the drain.

### ***Response to Arguments***

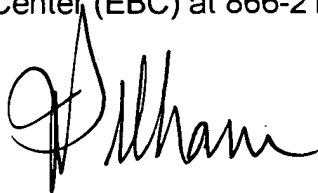
Applicant's arguments with respect to claims 14-30 have been considered but are moot in view of the new ground(s) of rejection.

***Applicant is urged, for the sake of expediting prosecution, to review the prior art cited but not applied in this rejection.***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M Pelham whose telephone number is 703-308-1709. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOSEPH PELHAM  
PRIMARY EXAMINER

~~9/20/04~~

8/9/05